

FISC, of sweeping Government powers. It doesn't provide the FISC the authority to assess the Government's ongoing compliance with its wiretapping procedures, and doesn't set limits on the way the Government uses information acquired about Americans.

Instead, this bill leaves Americans vulnerable to continued overreaching by the executive branch. It allows the President to rely on other statutory authorities to circumvent the will of the people and conduct warrantless foreign intelligence surveillance, permits limitless "fishing expeditions"—so-called bulk collection of all communications between the United States and overseas—and lets the government eavesdrop on Americans under the guise of targeting foreigners—what is known as "reverse targeting." If we have learned anything from over 7 years of the Bush administration, it is that we cannot simply hand them a blank check and trust that they will not abuse it.

The Judiciary Committee's FISA bill recognized the need for this type of robust judicial and congressional oversight in the face of ever-expanding Executive power. It systematically sought to create all of the aforementioned safeguards on liberty, while making sure to give the President the expanded set of tools required to fight terrorism in the digital age. That is the bill we should have passed.

Most importantly, unlike the FISA bill that passed the Senate yesterday, the Judiciary Committee's version did not grant amnesty to telecommunications providers that were complicit in the Administration's warrantless spying program. The administration may well be deliberately stonewalling to avoid a judgment day in court. Yet, today, the Senate rewarded the President's obstructionism, providing him cover to seek political security under the guise of national security. That is wrong. It is also a slap in the face to telecommunications providers like QWEST, which in the difficult days after 9/11, courageously refused to aid the administration's warrantless wiretapping efforts and questioned their legality.

Americans, who are deeply concerned about the secrecy and abuses of power that have marked this administration's years in office, and who are tired of learning information after the fact in our newspapers when whistleblowers leak it, deserve much better. This bill shreds the bipartisan principle that Americans should have their day in court—that accountability should be preserved to adjudicate competing claims and at last shed light on the administration's secret surveillance program. It is for these reasons, after all, that Senator SPECTER, the ranking member of the Judiciary Committee, refused to grant blanket amnesty and, as he put it, "undercut[] a major avenue of redress." If these lawsuits are shielded by Congress, the courts may never rule on whether the administra-

tion's surveillance activities were lawful.

An impartial court of law insulated from political pressure is the most appropriate setting in which to receive a fair hearing. That is a far cry from the U.S. Senate wiping the slate clean for the Bush administration. Everyone agrees, if the telecoms followed the law, they should get immunity, as Congress explicitly provided under the original FISA law. But our courts should decide, not Congress—and that is a matter of principle protected in the House's FISA bill.

There is today, as divided as we are, very much that we agree upon: We all want to prevent terrorist attacks, we all want to gather effectively as much intelligence as possible, and we all want to bring those who would attack us to justice before they strike us. But we undermine—not strengthen—our cause when we subvert our Constitution, throw away our system of checks and balances, and disregard human dignity. We also accept a false choice between security and liberty. There is no need to. That is why, yesterday, I stood up for the belief that the rule of law isn't just compatible with—but essential to—keeping our homeland safe. We owe Americans a better FISA bill.

EAST TIMOR

Mr. FEINGOLD. Madam President, I would like to take a moment to note the violent attacks which took place earlier this week on the President and Prime Minister of East Timor, or Timor-Leste as it is also called. The people of East Timor have experienced far too much violence for such a small nation and it is time, once again, for the world to renounce violence as a means to achieving any political agenda. I condemn such acts and urge all parties to seek legitimate peaceful—and political—means to ensure their voices are heard.

Earlier this week, President Jose Ramos Horta was shot by rebel soldiers. This band of rebels, led by the infamous Alfredo Reinado, attacked President Ramos-Horta outside his house. As a longstanding advocate of East Timor's self-determination, I have met President Ramos-Horta and am very troubled by this attempt to take his life and to undermine East Timorese stability and independence. President Ramos Horta is a Nobel Peace Prize winner and is known for his leadership of a nonviolent struggle against the Indonesian occupation. It is precisely because of these honorable principles that he has espoused, in the face of repeated violence, that I am doubly concerned by this recent attack. I am also worried that this violent act could affect the stability and progress of this young country and am pleased that Australia has agreed to send additional soldiers and police officers to address any unrest that might occur in the aftermath of this heinous attack.

I have followed East Timor's ongoing transformation very closely since the

disastrous crisis in the late 1990s and have been so pleased to see its successful transition from Indonesian occupation to a U.N. administration to an independent nation over the years. Certainly East Timor's path forward has not been free from challenges but it has moved consistently in the right direction. I have long supported a robust U.N. peacekeeping mission there, I pressed the administration to take a hard line with the Indonesia military as a result, in part, of its actions in East Timor, and I spoke out against the renewed unrest in 2006 which led to a collapse of many key institutions and once again required the international community to step in and play a key role in security reform.

We cannot overlook the significance of these attacks in East Timor as the country stands to chart a course for emerging democracies around the world. A stable East Timor sends a signal that the international community can work collaboratively and consistently for the betterment of a nation—and a people. East Timor has received significant multilateral support over the years and if it fails to develop into a fully functioning and stable democracy, we will need to reexamine what kinds of commitment our nation truly makes to young democracies striving to succeed. For these reasons, I hope this incident is little more than a blip on the radar for Ramos-Horta and that his recovery is a speedy one so he can return to the helm of leadership and finish his term as President.

CELEBRATING OREGON'S BLACK HISTORY

Mr. SMITH. Madam President, each Congress I rise to honor February as Black History Month. Each February since 1926, we have recognized the contributions of Black Americans to the history of our Nation. This month I want to celebrate some of the contributions made by Black Americans in my home State of Oregon.

The story of Abner Hunt Francis, a merchant from Buffalo, NY, is particularly moving. Francis, a man who gravitated to leadership, co-founded the Buffalo City Anti-Slavery Society in 1838 and organized local colored conventions throughout the 1830s and '40s in his native state. In 1851 he left the East Coast for the City of Portland in the Oregon Territory, expecting to encounter freer country on the American frontier.

Francis was disappointed to discover that despite the progressive attitude of its settlers, racist laws still encumbered Oregon Territory. It was not long after opening a boardinghouse that Francis's brother, O. H. Francis, was arrested. O. H. was detained in Portland on the grounds that men and women of color were not legally allowed in Oregon Territory, pursuant to an existing "exclusion" law. The case went immediately before a lower court, where it was decided that O. H. would